

PATENT
S/N 09/708,907

Docket No.: 1232-4658

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

Claim Status

Claims 1-74 are pending in this application, with claims 69-72 having been withdrawn from consideration. Claims 1-68, 73 and 74 stand rejected. Claims 1, 28-31, 33, 60-63, 65-68 and 73-74 are herein amended. Of the pending claims, claims 1, 28-31, 33, 60-63, 65-68 and 73-74 are independent in form. No new matter has been added.

Claim Rejections

Claims 1-3, 9, 10, 13, 22, 23, 30, 31, 33-35, 41, 42, 45, 54, 55, 62, 63, 67 and 68 were rejected under 34 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,698,021 to Amini ("Amini"). (See Office Action, ¶5, pages 3-9).

Claims 1, 3-6, 8, 9, 13, 16, 17, 19-22, 24-26, 33, 35-38, 40, 41, 45, 48, 49, 51-54 and 56-58 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0138847 to Abrams ("Abrams") in view of U.S. Patent No. 6,803,945 to Needham ("Needham"). (See Office Action, ¶8, pages 9-15).

Claims 7 and 39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Needham and further in view of U.S. Patent No. 5,623,601 to Vu ("Vu"). (See Office Action, ¶9, pages 15-16).

Claims 11 and 43 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Amini. (See Office Action, ¶10, pages 16-17).

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Claims 12 and 44 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Needham and further in view of U.S. Patent No. 6,323,897 to Kogane ("Kogane") and Vu. (See Office Action, ¶11, pages 17-18).

Claims 14 and 46 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Needham and further in view of Rowe. (See Office Action, ¶12, page 18).

Claims 15 and 47 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Amini in view of U.S. Patent No. 6,017,157 to Garfinkle ("Garfinkle"). (See Office Action, ¶13, pages 18-19).

Claims 18 and 50 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Needham and further in view of U.S. Patent No. 6,125,145 to Koyanagi ("Koyanagi"). (See Office Action, ¶14, pages 19-20).

Claims 27, 59, 73 and 74 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Needham and further in view of U.S. Patent No. 5,944,790 to Levy ("Levy"). (See Office Action, ¶15, pages 20-23).

Claims 28, 60 and 65 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable Abrams in view of Amini and Garfinkle. (See Office Action, ¶16, pages 23-25).

Claims 29, 61 and 66 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Amini. (See Office Action, ¶17, pages 25-26).

Claims 32 and 64 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Amini in view of Needham. (See Office Action, ¶18, pages 26-27).

Applicant respectfully disagrees with the characterization of the pending claims and of the prior art in the stated rejections and respectfully traverses these rejections.

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Applicants have amended the claims to clarify an aspect of the present invention, which Applicants submit distinguishes the claimed invention from the cited prior art at least in this regard.

Specifically, independent claims 1, 28-31, 33, 60-63 and 65-68 have been amended to more clearly recite that an image processing system of the present invention includes control means which controls each of: capture of image data, creation of display image control data and information relative to the capture of the image data, and transmission of the image data and the display control data in accordance with a schedule designated in advance. The recited control means corresponds to upload process module 107 included in an image upload server 101 (Fig. 1), and support for this control means is found, for example, in the description from page 35, line 19 to page 36, line 8 and from page 37, line 26 to page 38, line 22 of the present specification.

That is, the schedule of the present invention is arranged so as to attain to execute a desired combination of image capture, creation of image information data from a template, and transmission of an image.

At least the above-described feature of the present invention is not taught or suggested by any of the cited references individually or in combination, and, in particular, Abrams, Amini or Needham.

In the Office Action, the Examiner refers to column 9, lines 14-17 of the reference of Amini and column 3, lines 54-56 of the reference of Needham with respect to the control means recited in the independent claims as pending. However, those descriptions merely teach to transmit image data in accordance with a timer and therefore fail to teach to control each of capture of image data, creation of display image control data and information relative to the capture of the image data, and transmission of the image data and the display

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control data in accordance with a schedule designated in advance, as recited in the amended independent claims 1, 28-31, 33, 60-63 and 65-68.

The Abrams reference teaches to transmit to a user, data, such as, time, date and data of pan, tilt and the like (see, e.g., paragraphs [0043] and [0049] thereof). However, Abrams is silent with regard to including control means for controlling the system in accordance with a schedule designated in advance. (See, Office Action, page 10-11). Further, Amini teaches to transmit a file name, date, time and the like (Amini at col. 12, lines 54-60), and Needham is directed towards a camera system for connection to a web server (Needham at col. 1, lines 13-15), comprising, inter alia, a processor that periodically uploads images captured by the video camera in accordance with one of a plurality of motion detection algorithms. (Needham at col. 2, lines 20-24).

Thus, neither the Abrams reference, nor the Needham reference teaches or suggests, alone or in combination, control of *each of*: capture of image data, creation of display image control data and information relative to the capture of the image data, and transmission of the image data and the display control data in accordance with a schedule designated in advance, as recited in the amended independent claims 1, 28-31, 33, 60-63 and 65-68.

Independent claims 73-74 have been amended to more clearly recite that image and relative information, to be accumulated in accumulation means, are produced and transmitted to an image accumulation apparatus, in accordance with a schedule designated in advance. That is, both of the production and transmission of the image and relative information are effected in accordance with a schedule designated in advance. This feature of the present invention is not taught or suggested the cited reference of Needham, and consequently, it is not taught or suggested by the cited combination of Amini, Needham and Levy.

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Accordingly, for at least the stated reasons, the independent claims are believed neither taught nor suggested, and therefore neither anticipated by nor rendered obvious in view of, the prior art of record, taken individually or in any combination.

Dependent Claims

Applicants have not independently addressed the patentability of the dependent claims because Applicants submit that, as the independent claims from which the dependent claims depend are allowable for at least the reasons discussed *supra*, the dependent claims are allowable for at least similar reasons. Applicants, however, reserve the right to address and present independent bases for allowance of the dependent claims should such be necessary and appropriate.

CONCLUSION

In view of the foregoing, Applicants submit that the claims as herein presented are allowable over the prior art of record and that the rejections and objections, being overcome or otherwise rendered moot, be withdrawn. Applicants further submit that the application is hereby placed in condition for allowance which action is respectfully requested.

If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

No fees are believed due in connection with this response and this paper is believed to be timely filed. However, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned. The Commissioner is authorized to charge any fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 1232-4658.

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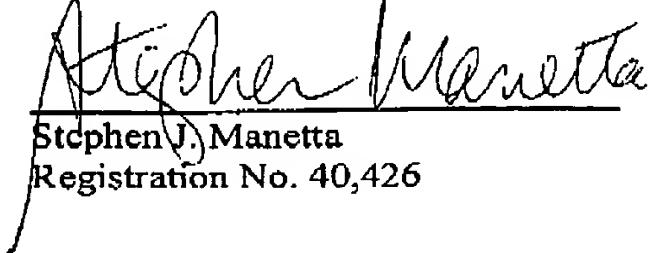
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An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

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